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Dated: November 3, 2006

Signature: _____

(Lori Sims)

Patent

Docket No. 282172002800

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Thomas W. DUBENSKY, Jr. et al.

Serial No.: 10/773,618

Filing Date: February 6, 2004

For: MODIFIED FREE-LIVING MICROBES,
VACCINE COMPOSITIONS AND
METHODS OF USE THEREOF

Examiner: J. Graser

Group Art Unit: 1645

**SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. Copies of the foreign document and non-patent literature are submitted herewith. The Examiner is requested to make these documents of record.

This Supplemental Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.

- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
- ☐ A fee is required. A check in the amount of ___ is enclosed.
- ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
- ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
- ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of ___ is enclosed.
- ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other

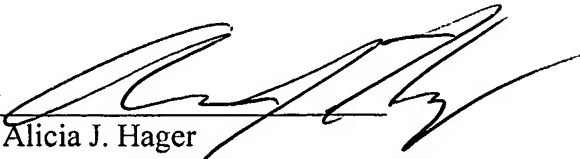
Application Serial No. 10/773,618

Patent
Docket No. 282172002800

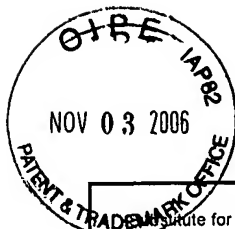
fees due in connection with the filing of this document to **Deposit Account No. 03-1952**
referencing 282172002800.

Dated: November 3, 2006

Respectfully submitted,

By 
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ALTERNATIVE TO PTO/SB/08a/b (07-05)

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|---|--------------|----|---|--------------------------|-------------------------|
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary) | | | | Complete if Known | |
| | | | | Application Number | 10/773,618 |
| | | | | Filing Date | February 6, 2004 |
| | | | | First Named Inventor | Thomas W. DUBENSKY, Jr. |
| | | | | Art Unit | 1645 |
| Examiner Name | J. Graser | | | | |
| Attorney Docket Number | 282172002800 | | | | |
| Sheet | 1 | of | 1 | | |

| U.S. PATENT DOCUMENTS | | | | | |
|-----------------------|-----------------------|---|--------------------------------|--|---|
| Examiner Initials* | Cite No. ¹ | Document Number Number-Kind Code ² (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
| | 1. | US-4,545,987 | 10-08-1985 | Giles et al. | |
| | 2. | US-4,556,556 | 12-03-1985 | Wiesehahn et al. | |
| | 3. | US-4,791,062 | 12-13-1988 | Wiesehahn et al. | |
| | 4. | US-5,106,619-A | 04-21-1992 | Wiesehahn et al. | |

| FOREIGN PATENT DOCUMENTS | | | | | | |
|--------------------------|-----------------------|---|--------------------------------|---|---|----------------|
| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T ⁶ |
| | | Country Code ³ -Number ⁴ -Kind Code ⁵ (if known) | | | | |
| | 5. | WO-2005/067460-A2, A3 | 07-28-2005 | MedImmune, Inc. | | |

*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

| NON PATENT LITERATURE DOCUMENTS | | | |
|---------------------------------|-----------------------|---|----------------|
| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
| | 6. | Brockstedt, D. et al. (March 2004). "The Living Dead: Psoralen-killed Metabolically Active <i>Listeria</i> DNA Repair Mutant-based Vaccines Induce Therapeutic Anti-tumor Efficacy Targeted Against an Endogenous Antigen," abstract <i>presented at the American Association for Cancer Research (AACR)</i> , March 27-31, 2004, as posted on < http://www.cerus.com/pages/solution/abs156.html >, last visited on August 26, 2004, two pages. | |
| | 7. | Brockstedt, D. et al. (July 2004). "The Living Dead: Psoralen-killed Metabolically Active <i>Listeria</i> DNA Repair Mutant-based Vaccines Induce Therapeutic Anti-tumor Efficacy Targeted Against an Endogenous Antigen," abstract <i>presented at the Gordon Research Conference on Microbial Toxins and Pathogenicity</i> , July 18 - 23, 2004, Andover, NH, as posted on < http://www.cerus.com/pages/solution/04_GordonResearchConf_Brockstedt.html >, last visited on August 26, 2004, two pages. | |
| | 8. | Giedlin, M. et al. (March 2004). "The Living Dead: Vaccines Against Microbial Pathogens Based on Psoralen-Killed Metabolically Active DNA Repair Mutants," abstract <i>presented at the American Society for Microbiology (ASM) Biodefense Research Meeting</i> , March 7-10, 2004, as posted on < http://www.cerus.com/pages/solution/abs158.html >, last visited July 18, 2004, two pages. | |
| | 9. | Moody, G. et al. (March 2004). "Recombinant <i>Listeria monocytogenes</i> -Based Immunotherapy Targeting the Receptor Tyrosine Kinase EphA2," abstract <i>presented at the American Association for Cancer Research (AACR)</i> , March 27-31, 2004, as posted on < http://www.cerus.com/pages/solution/abs155.html >, last visited on August 26, 2004, two pages. | |
| | 10. | Office Action mailed August 29, 2006, for U.S. Application No. 10/883,559, filed June 30, 2004, 7 pages. | |

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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|--------------------|--|-----------------|--|
| Examiner Signature | | Date Considered | |
|--------------------|--|-----------------|--|

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